

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

APPROVED 8/23/10

The Town Council of the Town of Tiverton, County and State aforesaid held a Workshop/Special Town Council Meeting at the Tiverton Town Hall, 343 Highland Road on Monday, the 21st day of June 2010 at 7:00 p.m.

President Bollin opened the meeting with the Pledge of Allegiance to the flag.

MEMBERS PRESENT:

President Bollin, Vice President Arruda, Councilor Costa, Councilor Durfee, Councilor Lambert, Councilor Leonard and Councilor Roderick

Town Administrator Goncalo and Solicitor Teitz were also present.

WORKSHOP AGENDA

Councilor Leonard – Discussion of Changes to Improve FTM

Councilor Leonard proposed a change to Section 307 (a), the vote by ballot upon request of at least one-fifth or 20% of the electors for a ballot vote. Currently a majority of the qualified electors present may request a ballot vote. Councilor Leonard was concerned about a large number of people and others in the auditorium and cafeteria having their say, some said they were disenfranchised, requiring people in two locations, this is one way to head that off and have a ballot vote. When talking about the budget and millions of dollars, need to make sure the count is accurate. Changing this would bring into compliance with RI General Law. 45-3-20. Councilor Leonard, with this proposal, intended to avoid more litigation.

Jeffrey Caron – Charter Proposals for November Ballot

Mr. Caron advocated replacing the Town Meeting with a Financial Town Election. The whole premise is to maintain the Charter as much as possible but change the meeting aspect to an all day election. This proposal will maintain a democracy vote, the Town Government structure, greater participation, greater opportunity to vote and confidence in the accuracy of the vote. Pages 3-7 provides the language on the Financial Election, page 16 describes the functions of the Budget Committee. Pages 1-10 contains the strikethroughs and deletions only included in Article II, most others are simple strikethroughs changing FTM meeting to election. Page 4 Section 303 explains additional financial proposals, moved the meeting back two weeks, added definitions in Section 305 including the municipal tax levy and the school tax levy. Page 5 contains the proposed language from the Charter that would be on the ballot.

An alternative is proposed should none of the ballot questions get a majority and a second alternative is also proposed assuming none of the municipal proposals receive a majority vote. In the second alternative, the levy shall be a weighted average. One difference on the school proposal is the excess levy vote in the second alternative, the school dept. can't receive less, language basically says allowed to tax and spend all aid. The bottom of page 6, states nothing limits additional questions. The excess levy yes/no is defined in RIGL 44-5-2 (d).

Councilor Roderick questioned what would happen if the petition proposed is less and it wins. Mr. Caron noted there could be potential litigation. Section 308 Tax Levy on page 7 addresses calculating the total tax levy. If you try to vote separate. you lose control of the cap aspect. This gives the ability to have separate votes for municipal and school.

Councilor Roderick needed clarification regarding the excess levy. President Bollin explained if the vote is to exceed, then the Town position is to request a waiver from the State. If the State denies the waiver, then the budget has to be reduced by equal amounts to get to that number. Mr. Caron noted this way it gives as much latitude as the Town can get within the requirement of the law. Councilor Durfee noted a number of issues, with a referendum people do not have an opportunity to talk to each other, puts a premium on a lot of preparation, who does the

Councilor Lambert noted the similarity between Mr. Medeiros and Mr. Caron's proposals. Questioned what if no majority vote? Mr. Medeiros proposed each question would be approve or reject, if no majority then the budget is level funded. This proposal also follows State Law. Councilor Durfee noted there are some differences between the two proposals. Under Mr. Caron's the Budget Committee is the lead entity. Mr. Medeiros noted the Council is the governing body, competing entities are confusing. Councilor Leonard noted eliminating the Budget Committee would be a major structural change to the Charter, the School Committee submits their budget through them. Mr. Medeiros pointed out this would bring better interaction between the School and the Council. Councilor Leonard questioned how the School could do this without using Town resources.

Councilor Durfee was concerned about the time frame in getting the questions to the State. The proposals need to be vetted. Councilor Bollin noted in this proposal the annual public hearing would be the FTM without the votes. Councilor Roderick questioned the cost. Councilor Durfee noted with either proposal there was a great deal to think about. Ms. Laura Epke pointed out the vote could occur on the third Tuesday in June. President Bollin also pointed out if there was a vote to exceed that would have to be sent to the State, could delay tax payments.

Councilor Costa had two important points, people more familiar with the process of the budget and keeps it simple. Makes the Council responsible for presenting the budget, the electorate votes for the Council. While the Council puts forth the proposals the people ultimately decide. Councilor Costa noted this should be designed for ordinary people and not be too complicated. Councilor Lambert pointed out a complication with this plan regarding the majority requirement. Mr. Caron's plan requires a 50% plus vote and the School and Municipal have to be voted on separately. Councilor Durfee pointed out the School Budget by State Law is voted a bottom line.

Councilor Roderick agreed there are critical issues, has to be vetted, merits on both proposals, can the Council do it in a reasonable amount of time. President Bollin could see a ballot question with two options presented. Councilor Arruda wanted another workshop, still had a lot of questions. President Bollin questioned Solicitor Teitz if the supporting information was needed prior to the election. Solicitor Teitz said the Charter language changes need the wording by the 4th of August. The State still has to have the relevant sections. Town Clerk Nancy Mello passed out results of an informal survey done by Frank Marshall at the Town Meeting, 87 supported an all day ballot, 83 supported no change, 26 supported a Council driven budget, 12 supported a Budget Committee driven budget, 35 supported combining the two. Councilor Arruda noted more people were upset at the way the FTM was run by the Moderator. President Bollin planned to suggest some changes. Both Mr. Caron and Mr. Medeiros planned to submit final questions.

SPECIAL MEETING AGENDA **FINANCIAL BUSINESS:**

Fire Chief Lloyd – Request Transfer of \$8700 from #331-110 (Inspections) to #331-102 (Overtime)

Councilor Arruda made a motion, seconded by Councilor Leonard to approve the request for a transfer of \$8,700 from Account #331-100 (Inspections) to Account #331-102 (Overtime). Motion passed on a vote of 6-1, Councilor Costa opposed.

Fire Chief Lloyd – Requests Transfer of \$18,000 from #331-101 (Fire Fighter Salaries) to #331-102 (Overtime)

Councilor Arruda made a motion, seconded by Councilor Durfee to approve the request for a transfer of \$18,000 from Account #331-101 (Fire Fighter Salaries) to Account #331-102 (Overtime). Motion passed on a vote of 6-1, Councilor Costa opposed.

DPW Director Berlucchi – Request Transfers: **\$24,219.52 from #554-451 (Snow Removal) to #554-794 (Drainage/Paving)**

Councilor Roderick made a motion, seconded by Councilor Arruda to approve the request to transfer \$24 219 52 from

219-266	Health Insurance	230-295	Unfunded Liability	\$18,729.90
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Town Administrator – Discussion of FTM Tax Levy and Motor Vehicle Tax

Administrator Goncalo informed the Council the tax rate was estimated at \$15.40, the actual calculation was \$15.35 with 1.88 million for Motor Vehicle with legislation deciding the \$6,000 exemption is reduced to \$500.00. The difference in taxing motor vehicles exempting \$500 of value to \$6,000 of value would net the Town \$106,000. Administrator and Tax Assessor suggest this could be reallocated to reduce the residential real estate tax rate. Consensus was it would be to complicated to do this year since could possibly require another FTM. Not enough to create real relief for real estate.

Councilor Durfee made a motion, seconded by Councilor Leonard to take no action in the matter of the reallocation of taxes. Motion passed unanimously.

APPOINTMENTS & RESIGNATIONS:

Re-Appointment to Boards and Commission – Attached Listing

Town Clerk, Nancy Mello, noted the reappointments listed were for those Boards and Commissions having no new applicants.

Councilor Durfee made a motion, seconded by Councilor Roderick to reappoint the persons listed as presented with the exception of the Board of Canvassers reappointment, which requires more complete list. Motion passed unanimously. The attached listing was presented.

ART COUNCIL

Mary Sexton	2-year term expiring	6/30/2012
Richard Sardinha	2-year term expiring	6/30/2012
Lois Marshall	2-year term expiring	6/30/2012

BUILDING CODE OF APPEALS

Michael James	1-year term expiring	6/30/2011
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CEMETERY COMMISSION

John Christo	3-year term expiring	6/30/2013
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ECONOMIC DEVELOPMENT

Peter Bowen	4-year term expiring	6/30/2014
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HARBOR COMMISSION

Bruce Cox	2-year term expiring	6/30/2012
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HARBORMASTER

David E. Vannier	1-year Annual Appointment expiring	6/30/2011
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HISTORICAL CEMETERY COMMISSION

James L. Spears	2-year term expiring	6/30/2012
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HOUSING AUTHORITY

Nancy Snow	5-year term expiring	6/30/2015
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JUVENILE HEARING BOARD

Seena Franklin	3-year term expiring	6/30/2013
Mary Lou Proulx	3-year term expiring	6/30/2013
Eugene Raposa	(Alternate) Annual appointment – term expiring	6/30/2011
Robert E. Vermette	(Alternate) Annual appointment – term expiring	6/30/2011

LIBRARY BOARD OF TRUSTEES

Barbara Donnelly	3-year term expiring	6/30/2013
Gregory Jones	3-year term expiring	6/30/2013
Colin Robinson	3-year term expiring	6/30/2013

OPEN SPACE COMMISSION

Brian Janes	3-year term expiring	6/30/2013
Garry Plunkett	3-year term expiring	6/30/2013

PLANNING BOARD

Patricia Cote	3-year term expiring	6/30/2013
Stuart Hardy	3-year term expiring	6/30/2013

DPW Director Berlucchi – Request Permission to Advertise for Purchase of ¾ Ton Pickup Truck with Plow

Councilor Durfee made a motion, seconded by Councilor Arruda to approve the request to advertise for the purchase of a ¾ Ton Pickup Truck with plow. Motion passed unanimously.

Recreation – Request Approval of Bid for Merry-Go-Round for Bulgarmarsh Road Area Playground

Councilor Roderick made a motion, seconded by Councilor Arruda to approve the award of bid for a Twirl for Bulgarmarsh Recreation Playground to Five Seasons Sports, sole bidder, for \$3,476.00 Motion passed unanimously.

CLOSED EXECUTIVE SESSION:

Town Solicitor - Litigation – 42-46-5(a) (2)

Town Solicitor – 42-46-5(a)(6) – Prospective Business or Industry

Town Administrator – 42-46-5(a)(2) – Collective Bargaining –IBPO, IAFF & Teamsters

Councilor Durfee made a motion, seconded by Councilor Arruda to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Motion passed unanimously

Councilor Durfee made a motion, seconded by Councilor Arruda to remain in Executive Session pursuant to 42-46-5(a)(6)-Prospective Business or Industry. Motion passed unanimously

Councilor Durfee made a motion, seconded by Councilor Arruda to further remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining-IBPO, IAFF & Teamsters. Motion passed unanimously

Council entered Executive Session at approximately 9:20 pm.

Council returned to Open Session at approximately 10:10 p.m.

OPEN SESSION:

In Open Session, President Bollin announced formal action had been taken in Executive Session.

Councilor Roderick made a motion, seconded by Councilor Arruda to seal the minutes of Executive Session. Motion passed unanimously.

ADJOURNMENT:

Councilor Roderick made a motion, seconded by Councilor Durfee to adjourn the Special Meeting. Motion passed unanimously.

Meeting adjourned at approximately 10:10 p.m.

A True Copy.

ATTEST: _____ Nancy L. Mello, Town Clerk